



جامعة آل البيت
كلية الدراسات الفقهية والقانونية
قسم القانون
برنامج الماجستير

رسالة ماجستير بعنوان
حماية المستهلك في العقود الالكترونية
(دراسة مقارنة)

***Consumer protection in electronic contracts
(A Comparative study)***

إعداد الباحث
ضاري تمران طلاق الشمري
إشراف
الدكتور / هشام الطاهات

2009 م

1430 هـ



رسالة ماجستير بعنوان

حماية المستهلك في العقود الالكترونية
(دراسة مقارنة)

Consumer protection in electronic contracts
(A Comparative study)

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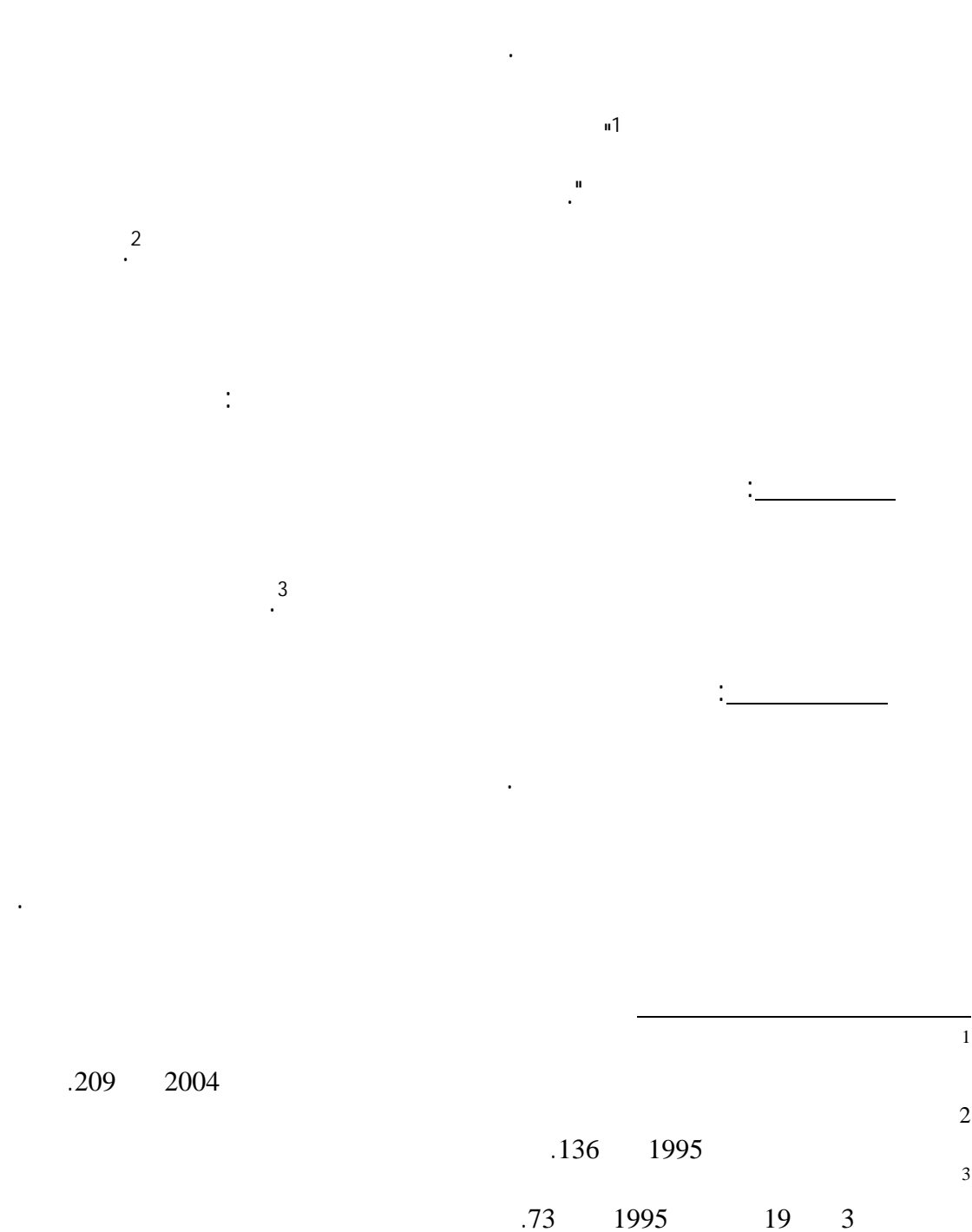
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Consumer Protection In The Electronic Contracts (Comparative Study)

Prepared by

Dari Temran Tlaq Al-Shamari

Supervisor

Dr. Hesham Al-Tahat

Abstract

This Present study tackled the topic consumer's protection in the electronic contracts, comparative study, in order to know the mechanism by which to protect the electronic consumer.

Also, aimed to show the extent to which the present general principles are sufficient, or need any more capable principles to protect the electronic contracts.

The study consisted of three chapters divided as follow:

Introduction chapter, dealt with the definition of the electronic consumer through showing the Islamic principles definition of the electronic consumer, by tackling it according to the Islamic scholars points of view and the accrediting this definition. Then talked the legislative definition of the consumer in the multiple Arabic and European legislations, through introducing definitions, which the probability for the best of those legal definition.

Then tackled the consumption contracts, and extent of the need to provide protection to the electronic consumer.

In the first chapter I dealt with consumer's protection at the stage after signing. The contract through showing the concept of the misleading advertisement in the Fiqh and the law.

Then I dealt with the importance of consumer's protection against the misleading advertisement.

Then I mentioned the obligation to inform the consumer to be a knowledgeable, through explaining the concept of right in the mass media, the position of the legislations from it, then the imprecation of this right.

In the second chapter I dealt with the consumers protection at the stage after signing of the electronic contract the talking about the right to terminate the contract

((the right to recant). Then we talked about the choice of the description. Then illustrating the condition, main results and recommendation.

The most important results that have been deduced by the researcher, that the Kuwaiti legislation and the Jordanian legislation had neglected the weak party (Consume) in this type of transactions, and also they didn't include in the draft of the consumer protection law neither Kuwaiti or Jordanian, any provisions that governing the right of media.

The Kuwaiti and Jordanian law is falling short and very rare for the protection of consumers.

The researcher came out with some recommendations, the most important, that we must find a legal rules to include the consumer about this great technological development and also to find a common international agreements, taking into account these kinds of transactions, as well the organization of seminars to educate the consumers view of the increase of these transactions in this era.